

Remarks

In a first non-final Office action mailed December 20, 2005, the Examiner rejected claims 19 and 20 under 35 U.S.C. 112, second paragraph, as indefinite for not pointing out the subject matter regarded as the invention. The Examiner suggested language for a proposed amendment to claim 19. The Examiner rejected claims 1, 2, 10-13, and 18 under 35 U.S.C. 102(b) as anticipated by U.S. Pat. No. 5,678,655 to Bearden ("the Bearden reference"). The Examiner rejected claims 9 and 17 under 35 U.S.C. 103(a) as obvious and unpatentable in view of the Bearden reference.

In response thereto, the applicant has amended claim 19, adopting the language provided by the Examiner, for the sole purpose of clarification. It is submitted that the amendment to claim 19 obviates the objection of claim 20, which depends thereon. The applicant has cancelled claims 1, 11, and 12. The applicant has amended claims 2, 9, 10, 13, 17, and 18. Claims 2 and 13 have been rewritten in independent form. Claims 2-10 and 13-20 are currently pending in the application.

Claim Rejections – 35 U.S.C. 102

The Examiner rejected claims 1, 2, 10-13, and 18 under 35 U.S.C. 102(b) as anticipated by the Bearden reference. In response, the applicant has cancelled claims 1, 11, and 12 and has amended claims 2, 10, 13, and 18.

The applicant respectfully requests reconsideration of the rejections of claims 2 and 13. The present application teaches, *inter alia*, apertures that are positioned within each bracing means (inner and outer), into which a linking member is inserted, and by means of which the linking member is held. As shown in Fig. 2, a linking member is simultaneously held within apertures of an inner bracing means (between rails 5b and 7b) and apertures of an outer bracing means (between rails 5a and 7a). Claims 2 and 13 both include the limitation that "the linking member is engaged by both bracing means of each said engagement means simultaneously *and in said apertures thereof*." (Emphasis added.) It is respectfully submitted that such limitation is not taught by the Bearden reference.

In contrast, the Bearden reference teaches a scaffold system comprising a pair of supports (12A and 12B) spanned by a board (14). Each support includes two upright stanchions (18, 20) and plates therebetween (26, 28, 30, and 32). Each plate may include a bore (36) for the vertical insertion of a locking pin, which prevents the accidental disengagement of the board (14) from the region between the plates. The Examiner has taken the position that the board (14) teaches the linking member of the present invention, and that the plates (26 and 28) teach the inner and outer bracing means of the present invention respectively. The Examiner has also taken the position that the locking-pin bores (36) teach the apertures that receive a linking member of the present invention.

It is respectfully noted that neither of the plates (26 and 28) has an aperture for receiving the board (14). Because the orientation of those plates is identical to that of the board, any apertures therein would be incapable of receiving the board. In contrast, the bracing means of the present invention, as shown in Fig. 2, have apertures that are advantageously oriented for receiving a linking member. These apertures are aligned so that the linking member may be inserted within the apertures of multiple bracing means simultaneously. In contrast to the Bearden structure, the linking member of the present invention may itself be engaged within the apertures of multiple bracing means simultaneously, and such is claimed in claims 2 and 13. The applicant respectfully submits that the upper (26) and lower (28) plates of the Bearden reference also do not teach the inner (e.g., 5b and 7b) and outer (e.g., 5a and 7a) bracing means of the present invention.

The applicant has rewritten claims 2 and 13 in independent form. It is submitted that claim 10, as amended, is allowable because it depends on independent claim 2, and that claim 18, as amended, is allowable because it depends on independent claim 13.

Claim Rejections – 35 U.S.C. 103

The Examiner rejected claims 9 and 17 under 35 U.S.C. 103(a) as obvious and unpatentable in view of the Bearden reference. In response, the applicant has amended those claims. Specifically, claim 9 now depends on independent claim 2 and claim 17 now depends on independent claim 13. The applicant submits that such amendment obviates the rejection if claims 2 and 13 are allowed.

It is respectfully submitted that the present application is currently in condition for allowance in view of the foregoing amendments to the claims. Further and favorable action is earnestly solicited.

Sincerely,



Richard Polidi
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I hereby certify that this Amendment for the patent application having the title Support Apparatus is being deposited with the U.S. Postal Service on April 15, 2006 as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


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